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Wayne L. Ellenbogen  
RYAN, MASON & LEWIS, LLP  
90 Forest Avenue  
Locust Valley, NY 11560

EXAMINER

BASEHOAR, ADAM L

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/774,261

Applicant(s)

KEARNEY, ROBERT D.

Examiner

Adam L. Basehoar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

1. This action is responsive to communications: The Amendment filed 03/16/06 to the RCE filed 09/23/05.
2. Claims 1-6, 8-12, and 14-19 remain rejected under 35 U.S.C. 102(e) as being anticipated by Parks (US-6,596,031 07/22/03).
3. Claims 7, 13, and 20 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Parks (US-6,596,031 07/22/03).
4. Claims 1-20 are pending in the application. Claims 1, 8, and 15 are independent claims.

### *Drawings*

5. The drawings were received on 04/11/01. These drawings are acceptable.

### *Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-6, 8-12, and 14-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Parks (US-6,596,031 07/22/03).

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-In regard to independent claims 1, 8, and 15, Parks teach a method of forming a document model for automatically constructing a semantically and syntactically valid document, the method comprising:

beginning with a root tag (column 9, lines 26-28: "main element"), creating a plurality of tag elements (column 16, lines 29-67)(Fig. 4A-4C) corresponding to respective tags in the document to be constructed (column 16, lines 18-27), each of the plurality of tag elements including information relating to a corresponding one of the tags (column 16, lines 29-67)(Fig. 4A-4C);

associating one or more model elements (Fig. 4A: e.g. [head\_tag], [look\_tag], [story\_tag]) with each of the tag elements (Fig. 4A: e.g. nsml\_tag), each model element being a child of an associated tag element (Fig. 3B: e.g. 310, 320, 340) and representing an alternative to the information relating to the corresponding tag (column 16, lines 29-67), each of the model elements being distinct from the respective associated tag elements (i.e. distinct child elements) and being operative to capture semantic information of the corresponding respective tags (column 16, lines 29-67), each of the one or more model elements associated with each of the tag elements representing a different semantic component of the corresponding tag (e.g. HEAD, LOOK, STORY), each model element having at most one tag element as a parent (Fig. 3B: 301); and

for each of the one or more model elements, generating a semantically and syntactically valid sub-tree of elements as a child of the one or more model elements based at last in part upon a structure of the document to be constructed under one or more predetermined conditions (column 8, lines 3-29).

-In regard to dependent claims 2, 9, and 16, Parks teach:

assigning a tag element (Fig. 3B: 341) corresponding to a tag in the document (Fig. 4A: form\_tag) when the tag associated therewith includes a single sub-tag (Fig. 3B: 342), the tag element being a child of the model element corresponding to the sub-tree (Fig. 3B: 340); associating one or more model elements with the tag element (Fig. 3B: 343), each of the model elements being a child of the tag element (Fig. 3B: 341) and representing an alternative semantic component to the information relating to the corresponding tag (column 16, lines 29-67); and

repeating the steps of arranging a tag element and associating one or more model elements until all sub-tags of the tag have been mapped to the document model (column 8, lines 3-29).

-In regard to dependent claims 3, 10, and 17, Parks teach:

associating a group element (Fig. 3B: 360) with a tag element corresponding to a tag in the document when the tag associated therewith includes a plurality of sub-tags (Fig. 3C: “361, 362, 363”), the group element being a child of the model element corresponding to the sub-tree (Fig. 3B: 360);

associating a plurality of tag elements with the group element (Fig. 3C: “361, 362, 363”), each of the tag elements being a child of the group element and corresponding to a sub-tag in the plurality of sub-tags (i.e. child of “Content” group element);

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for each tag element in the plurality of tag elements (Fig. 3C: “361, 362, 363), associating one or more model elements with the corresponding tag element as a child of the tag element (Fig. 3C: 366); and

repeating the steps until all the sub-tags of the plurality of sub-tags have been mapped to the document model (column 8, lines 3-29).

-In regard to dependent claims 4, 11, and 18, Parks teach wherein the step of generating a syntactically and semantically valid sub-tree of elements further comprises the step of:

for each of the one or more model elements, assigning a value element as a child of the model element when the corresponding tag includes textual information associated therewith (column 14, lines 35-60), the value element storing the textual information (column 14, lines 35-60: “text”).

-In regard to dependent claims 5 and 12, Parks teaches wherein the textual information includes at least one of a type and format of the textual information (column 14, 35-60: “includes text, physical style, spacing and layout information”).

-In regard to dependent claims 6, 14, and 19, Parks teaches wherein each of the one or more model elements includes at least one of:

attribute information associated with the corresponding tag (column 9, lines 61-67; column 10; lines 1-48).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7, 13, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parks (US-6,596,031 07/22/03).

-In regard to dependent claims 7, 13, and 20, Parks et al teach wherein the document to be constructed was an NSML based document (column 6, lines 39-41). Parks also teach wherein the document could be converted to and imported from other document formats such as HTML (column 7, lines 40-59). Sparks does not specifically teach wherein the document to be constructed was an XML document. It would have been obvious to one of ordinary skill in the art at the time of the invention for the document of Sparks to have been an XML document, because XML was a notoriously well known standardized markup language at the time of the invention that provided such benefits as platform independence.

***Response to Arguments***

10. Applicant's arguments filed 03/16/06 have been fully considered but they are not persuasive.

-In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "a model element does not directly represent a tag in the corresponding document") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

-In regard to Applicant's argument that the Parks reference does not teach model elements, the Examiner respectfully disagrees. In view of the independent claims, the Parks reference clearly teaches associating a plurality of model elements (Fig. 4A: e.g. [head\_tag], [look\_tag], [story\_tag]) with one of the tag elements (Fig. 4A: e.g. nsml\_tag). As claimed each of these model elements must be operative to capture semantic information of the corresponding respective tag element. In this instance, each of the model elements represent a different semantic component (i.e. HEAD, LOOK, and STORY) of the corresponding tag and capture the semantic information with regards to their own optional information (column 16, lines 29-67: "non-essential elements...particular element" and "essential elements...particular element").

-In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "a group element, which is separate and distinct from a model element or tag element") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).



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-With regards to the certain features (“a model element does not directly represent a tag in the corresponding document” & “a group element, which is separate and distinct from a model element or tag element”) listed above and not specifically recited in the claims, the Examiner upon further review of the applied prior art would contend that if these changes were added to newly recited claims, they would overcome the Parks reference. The Examiner does not suggest that further clarifying these features by adding them to the claims would put the application in condition for allowance, but that they would at least require new prior art to be searched.

### ***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam L. Basehoar whose telephone number is (571)-272-4121.

The examiner can normally be reached on M-F: 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALB

  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**